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Draft of Secrets Disclosure Order Draws

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An initial draft of an executive order on national security information would trigger the disclosure of millions of aging government secrets and require explicit justification for the classification of new records.

Critics who have studied the proposal, however, say it represents less of a change than it might seem at first and would still permit more government secrecy than orders issued in the 1970s by presidents Richard M. Nixon and Jimmy Carter at the height of the Cold War.

The proposal calls for the automatic declassification, with certain exceptions, of all classified information that is 40 years old. The Nixon order called for automatic declassification after 30 years, and the Carter order, after 20 years. The order now in effect, issued by President Ronald Reagan in 1982, does not provide for automatic declassification.

The Clinton administration draft would eliminate the "Confidential" stamp commonly applied to the least sensitive documents and permit only two levels of classification: Secret and Top Secret, according to a copy of the draft obtained by The Washington Post.

But the proposed definition for the new "Secret" classification is the same as the current definition for "Confidential," information whose disclosure "reasonably could be expected to cause damage to the national security."

Under the proposal, all documents now legitimately classified as "Confidential" could retain that status for six years and then be upgraded to "Secret." The only difference would be that under the proposed new order, government censors would have to place their names or some other identifying label on a document stamped secret and write down "a concise reason" for the secrecy.

Documents could be stamped "Top Secret" under the proposal if disclosure could reasonably be expected to cause "grave damage to the national security." That is less rigorous than the Reagan order now in effect, which limits "Top Secret" to information whose disclosure would cause "exceptionally grave damage."

The 54-page proposal was drawn up after interagency consultations by the director of the governmentwide Information Security and Oversight Office, Steven Garfinkel, and has been distributed to U.S. intelligence agencies and other affected departments for comment. It is scheduled to be submitted to President Clinton and the National Security Council by Nov. 30.

"The predicate here is greater openness," asserted a White House official who asked not to be identified. The official emphasized that the draft is likely to undergo several revisions and will be reviewed in some fashion by interested members of Congress and perhaps the public.

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Mixed Reviews

Longtime critics of government secrecy said they were not impressed, although they conceded the proposal was "better" in many respects than the 1982 Reagan order.

"It would be hard to make the current system much worse than it is," said Steve Aftergood, director of the Federation of American Scientists' project on government secrecy. "The question is, are we moving to a post-Cold War system or not. The answer seems to be not."

Aftergood said he also feared that "this draft is as good as it's going to get," adding, "The only pressure on this draft [from the intelligence agencies and other government offices] will be to make it even weaker."

Tom Blanton, director of the nonprofit National Security Archive, criticized provisions that would allow information classified as Top Secret to retain that status for 15 years. "Nixon said 10 years, and Carter said six," Blanton observed. "So it's worse than Nixon and Carter again."

According to a recent report by the General Accounting Office, there are an estimated 304,248,500 pages of documents awaiting declassification review at the National Archives dated prior to 1960, including at least 23,500 prior to World War II. Many documents have remained classified not because of White House rules but because the sheer number of items has overwhelmed available staff.

A congressional expert said that "as an absolutist, I would give the draft a C-minus, but as a realist, an A-minus." He said positive steps in the plan include creation of a governmentwide database of declassified information and a "public interest" test that can be applied in determining whether a document should be declassified even it meets the standards for continued secrecy.